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PANAMANIAN ASSOCIATION OF ENGINEERS AND ARCHITECTS
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SCIENCE ART
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Panama, March 31, 1999

Gentlemen:

c/o Tripartite Committee (Ref. Civil Society)

Economic Committee for Latin America and the Caribbean

1825 K Street NW, Suite 1120

Washington, D.C. 20006 [sic]

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Dear Sirs:

With respect to the public invitation to the Civil Society from the countries participating in the FTAA, we hereby submit our points of view on the trade elements, related to the FTAA process, taking as a base of reference the San Jose Ministerial Declaration.

Without other matters to discuss, we remain,

Sincerely,

/s/ [illegible]

Arch. Manuel Choy G.

President

INTERNATIONAL UNION OF ARCHITECTS (I.U.A.)
PANAMERICAN FEDERATION OF ASSOCIATIONS OF ARCHITECTS (P.F.A.A.)
PANAMERICAN CONFEDERATION OF ELECTRICAL MECHANICAL
ENGINEERING AND RELATED FIELDS (COPIMERA)
PANAMERICAN UNION OF ASSOCIATIONS OF ENGINEERS (P.A.U.A.I.)
IBEROAMERICAN FEDERATION OF CIVIL ENGINEERING (I.A.F.C.I.)

EXECUTIVE SUMMARY

The Panamanian Association of Engineers and Architects, through a Special Committee, made an analysis of the implications that a free-trade area based on the San Jose Ministerial Declaration has on the Professional Services of Engineering and Architecture and presents some recommendations.

Given that in the countries that will comprise the FTAA there are different systems and procedures of accreditation, codes of ethics and technical rules for the different professional practices, the first step in achieving a hemispheric free trade area under circumstances of certainty and transparency would be the legal approval of said systems, codes and rules.

Participation of competent inter-governmental and non-governmental organizations with a view towards the recognition and adoption of common international rules and criteria is important.

It is important that steps be taken to protect morality and maintain public order; protect the life and health of persons and animals and to preserve plant life; measures necessary to prevent practices that may lead to errors and fraudulent practices or the means to deal with the effects of breach of services contracts, and safety [sic] should prevail.

Due to the aforesaid, there is a need for implementing special measures by the Members of the FTAA, in which case the establishment of multilaterally agreed on criteria for the recognition and certification of providers of professional services or the granting of licenses to same without there being any discrimination, maintaining conditions of protection of the life and health of persons and morality and the good professional practice customary in our countries.

We think that to comply with the provisions of the WTO so that the measures relative to the prescriptions and procedures on the subject of certificates of aptitude, technical rules and prescriptions on the subject of licenses do not constitute unnecessary obstacles to trade in services, under conditions that guarantee sound professional practice; the criteria that should be multilaterally agreed on should aim at the establishment of special licenses for the professional practice of each specialty in the international (or regional) framework under conditions of recognition of academic degrees under the same circumstances for all Members of the FTAA, plus proven experience in professional practice and evaluation of the service providers who aspire to said license. All this under standards of excellence that guarantee the quality of the professional services in the international (or regional) framework, and which prevent the moving of unqualified service providers, which do not guarantee sound professional practice under the same conditions, or which do not comply with minimum standards of competence (ability to provide a service).

In relation to the conditions that [apply] to the subject of professional accreditation, preparation of rules and criteria for the granting of licenses and certifications to providers of professional services, the position of our association is that the determination of these requirements should be established by common agreement by the analogous Professional Associations (non-governmental organizations) of the Member countries, so that the exchange of professional services is based on conditions of professional excellence as a guarantee of capacity for the provision of professional services in a true relationship of equity, and this supported by the requirements of education, experience, professional ethics, local awareness and consumer protection indispensable for the proper exercise of the professions of architect and engineer.

And to continue the measures necessary for the prevention of practices that may lead to errors and fraudulent practices, or the means to deal with the effects of breach of contracts of services should be accompanied by the mechanisms necessary to delineate responsibilities and achieve the effective ability of the service providers who, in spite of said prevention measures, have a responsibility for defects in the services provided and/or professional malpractice.

We think that the practice of architecture and engineering within the FTAA should be considered only once effective mechanisms are established for the prevention and punishment of professional malpractice, because, with respect thereto in our country, in spite of the legislation in effect, some cases have already occurred in which professional services have been contracted from foreigners, under circumstances that are to the detriment of national service providers, with negative results on the safety and health of persons, without the foreign service providers being able to have the ability required.

Implementation of existing mechanisms that regulate the temporary entry of foreign service providers should be insisted on, so that same comply with the requirements demanded by the national laws in effect on the subject of fitness, registration of individuals or corporations with the competent offices, taxation, etc.

Finally, we should think about what correct professional practice of architects and engineers represents in terms of the objectives that regulation of the professional practice seeks to attain: consumer protection, safeguarding life, health and property; and let us recall that the authority to issue licenses to all those who practice a profession is the only effective means of stipulating the basic qualifications (competence), regulating conduct (ethics), and guaranteeing the integrity of the entire profession.